

**REMARKS**

Claims 1-8 have been examined and rejected. Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 197 53 690 to Tamiya ("Tamiya") in view of U.S. Patent No. 4,759,008 to Hirano *et al.* ("Hirano"). Claims 9-10 are added by this Amendment. Accordingly, claims 1-10 are all the claims pending in the present application. For at least the following reasons, Applicant respectfully traverses this rejections.

**CLAIM AMENDMENTS**

Claims 1 and 5 have been amended as shown above. Claims 9-10 are added by this Amendment.

**REJECTION UNDER 35 U.S.C. § 103(a)**

**A. THE EXAMINER'S POSITION**

It is the Examiner's position that Tamiya shows a recording medium playback device including a recording medium accommodation unit 3, a carriage chassis 500 having a pickup 56, a turntable 55 and a pickup moving means 58, a moving means 57 for moving said carriage chassis to a position between the recording mediums accommodated in said recording medium accommodation unit to play back the recording medium, and a recording medium loading means 1 as recited in claim 1. (Office Action at pp. 2-3). The Examiner acknowledges, however, that Tamiya does not teach or suggest "stopper portions" as recited in claim 1. (Office Action at p. 3).

To overcome this acknowledged deficiency in Tamiya, the Examiner relies on Hirano, which the Examiner alleges discloses a stopper 20 for abutting against an outer circumferential edge of the recording medium loaded by said recording medium loading means wherein said

stopper portions are located at a position spaced on/from a loading center line of the recording medium accommodated in said recording medium accommodation unit. (Office Action at p. 3, citing Hirano, Fig. 1). The Examiner further asserts that "the stopper portions are positioned such that the movement of the pickup 2 is not obstructed by said stopper 20." (Office Action at p. 3).

Finally, the Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the carriage chassis of Tamiya with stopper as taught by Hirano because "one of ordinary skill in the art at the time of the invention would have been motivated to provide the carriage chassis of Tamiya with a stopper as taught by Hirano in order to establish a predetermined positional relationship with the chassis." (Office Action at pp. 3-4, citing Hirano at col. 8, line 64 to col. 9, line 2).

**B. TAMIYA IN VIEW OF HIRANO FAILS TO TEACH OR SUGGEST EACH ELEMENT OF THE REJECTED CLAIMS**

To establish a *prima facie* case of obviousness, it is the Examiner's burden to establish:

1. a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. that the prior art references teach or suggest all the claim limitations.

(MPEP 2143). Here, Applicant submits that even if combined as asserted, the cited references fail to teach or suggest each limitation of the rejected claims.

Claim 1 recites a recording medium playback device including a stopper portion <sup>configured to</sup> abut <sup>the</sup> against an outer circumferential edge of the recording medium loaded by <sup>the</sup> said recording medium loading means, <sup>Also, the</sup> wherein said stopper portion is provided in <sup>the</sup> said carriage chassis and is

*PP The Examiner acknowledges  
that Tanya does not  
suggest the clear stopper but  
Docket No. Q78277 contends  
that Hirano  
does.*

located at a position spaced on a loading center line of the recording medium accommodated in  
*the* said recording medium accommodation unit. In one non-limiting embodiment described in  
Applicant's disclosure, stoppers 208 are provided on carriage chassis 200 and a recording  
medium abuts against the stoppers 208. (Figs. 12A-B; p. 17, lines 23-24). Hirano fails to teach  
or suggest at least this element of claim 1.

*For example,*  
In Hirano, stopper 20 is provided either on chassis 6 or support member 11. (Figs. 1-2;  
col. 8, lines 52-55). The stopper 20 is provided on the rear surface of the chassis 6 and has a L-  
shape section, *and is does* (Figs. 1-3). The stopper 20 is not in contact with the outer circumference of a  
recording medium, *Instead, it is* but instead is on contact with the end portion of the rear side of the carriage  
4. (Fig. 1; col. 8, lines 52-55). Thus, Hirano does not teach or suggest *a stopper portion for configured*  
abutting against an outer circumferential edge of *a* the recording medium, *as* as recited in claim 1.

Further, Hirano fails to teach or suggest *that a* a recording medium playback device wherein  
said stopper portion is provided in *that the* said carriage chassis and is located at a position spaced on a  
loading center line of the recording medium accommodated in *the* said recording medium  
accommodation unit *as* as recited in claim 1. Hirano's carriage 4 is not "a carriage chassis having  
at least a pickup, a turntable and a pickup moving means" as recited in claim 1, but instead is a  
carriage for moving a recording medium and does not include a pickup, a turntable, or a pickup  
moving means. (Fig. 1). Accordingly, Applicant submits that claim 1 is patentable over the  
cited art for at least this additional reason.

Applicant respectfully submits that claims 5, 9 and 10 are patentable over the cited art for  
analogous reasons. As claims 2-4 and 5-8 depend from claims 1 and 5, respectively, Applicant  
submits that these claims are patentable over the cited art at least based on this dependency.

**CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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